

SUMMARY

DR. DAVID JAMES HILL

(CPSO# 27853)

1. Disposition

On September 6, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered general practitioner Dr. Hill to appear before a panel of the Committee to be cautioned in person with respect to failing to respond to the Children’s Aid Society (CAS), failing to produce records in response to a court order, office management (in ensuring that important documentation such as a court order is not lost and is properly dealt with) and failing to respond to the College during part of this investigation.

2. Introduction

Dr. Hill was providing care to a child involved with the CAS. The CAS required records from Dr. Hill. On January 28, 2015, the Ontario Superior Court of Justice issued an order obliging Dr. Hill to provide his medical records respecting the child to the CAS. Dr. Hill failed to comply. The CAS contacted the College in March 2015, expressing its concerns that Dr. Hill had provided no response, and that his office was closed.

Dr. Hill initially responded to the complaint, stating that he had not received the court order as it had been delivered to premises where he no longer practiced, and he had been out of the country. He questioned whether the affidavits of service were fraudulent. He asserted that the mother of the patient did not consent to release of the child’s information. He stated in July 2015 that he intended to comply with his legal obligations and would contact the CAS “shortly.”

Dr. Hill did not correspond further with the College on this matter after July 2015. The CAS informed the College that it did not hear anything further from Dr. Hill.

3. Committee Process

As part of this investigation, the Committee retained an Independent Opinion provider (“IO provider”) who specializes in family medicine. The IO provider reviewed the entire written investigative record and submitted a written report to the Committee.

A General Panel of the Committee, consisting of public and physician members, met to review the relevant records and documents related to the complaint. The Committee always has before it applicable legislation and regulations, along with policies that the College has developed, which reflect the College’s professional expectations for physicians practising in Ontario. Current versions of these documents are available on the College’s website at www.cpsso.on.ca, under the heading “Policies & Publications.”

4. Committee’s Analysis

The IO provider is of the view that Dr. Hill did not meet the standard of the profession and exercised poor judgement by not complying with the court order and by not responding to CAS in a timely manner. The Committee agreed with the IO provider’s analysis.

Dr. Hill has failed to take steps to comply with the court order requiring him to submit records, in the more than two years that have elapsed since that order was issued. It is axiomatic that a physician is expected to comply with a court order. Dr. Hill’s failure to do so in this case constituted a troubling lack of professionalism. The patient’s mother’s position on release of the records was irrelevant, given that the court ordered their release. Dr. Hill speculated about the validity of the affidavits of service, but provided no further information to advance his theory that they were fraudulent. In the absence of any proof to the contrary, the Committee was satisfied that it could rely on documentation in the file affirming that the court order was

served on Dr. Hill's office. Thus, the Committee's caution addresses both Dr. Hill's failure to respond to the CAS and his failure to produce records in response to a court order.

The College expects that physicians maintain office management systems so that important documentation, such as a court order, is dealt with properly. This formed part of the Committee's caution.

Dr. Hill has an extensive history with the College, including concerns regarding his lack of professionalism and unethical behaviour, governability and clinical competence. Dr. Hill's failure to respond during the College's investigation raised concerns about Dr. Hill's governability and concerns that he continues to display a pattern of unprofessional behaviour. The caution therefore includes Dr. Hill's failure to respond to the College during part of this investigation.